

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WO/175	FOR FURTHER ACTION	
	See Form PCT/IPEA/416	
International application No. PCT/EP2004/052201	International filing date (day/month/year) 16.09.2004	Priority date (day/month/year) 25.09.2003
International Patent Classification (IPC) or national classification and IPC C07C257/14, C07C309/66, C07D233/10, C07D273/04, C07D211/26, C07D333/24, A61K31/155, A61K31/255, A61K31/381, A61K31/4164, A61K31/4453, A61K31/5395, A61P17/06		
Applicant DOMPE S.P.A. et al.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. *(sent to the applicant and to the International Bureau)* a total of 5 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. *(sent to the International Bureau only)* a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 22.07.2005	Date of completion of this report 14.09.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Cooper, S Telephone No. +49 89 2399-8323



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

10/568760

International application No.
PCT/EP2004/052201

IAP20 Rec'd PCT/PTO 21 FEB 2006

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-17 as originally filed

Claims, Numbers

1-11 received on 22.07.2005 with letter of 22.07.2005

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/052201

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

PCT/EP2004/052201

Section V.

- 1). No compounds of the formulae given in claims 1 and 2 could be found in the prior art. The subject-matter of claims 1-6, 10 and 11 is novel.
- 2). No disclosure of the use of the compounds given in claim 7 could be found in the prior art. The subject-matter of claims 7-9 is also novel.
- 3). The object of the present application is to provide new compounds inhibiting IL-8 induced polymorphonucleated neutrophils which are as such of interest in the treatment of the diseases noted in claim 9. The compounds for which this use is claimed and the compounds claimed as such differ from the compounds of WO-A-0 158 852, (D13), which also have this property, at least in the replacement of the amide carbonyl by the C=N-R moiety. In view of this structural difference, it could not be expected that the presently specified compounds would also have the utility noted in claim 9. Claims 1-9 are therefore based on an inventive step and claims 10 and 11 are inventive by analogy.

Section VIII.

Some of the compounds according to claim 2 are no longer dependent on claim 1. These should be made the object of a separate independent claim.